

## Remarks

### **Summary of Action and Response**

Claims 1, 12, 15 and 30-31 were rejected under 35 USC § 102(b) as being anticipated by Lioux et al. (U.S. Patent No. 6,274,949), hereinafter Lioux. Claims 2, 3, 7, 10, 11, 16, 17, 21, 26, 29, and 32 were rejected under 35 USC § 103(b) as being unpatentable over Lioux. Claims 4-6, 8, 9, 18-20, 22-25 and 33-38 were rejected under 35 USC § 103(a) as being unpatentable over Lioux in view of Wong (US Patent No. 6,509,657), hereinafter Wong. Claims 13, 14, 27 and 28 were rejected under 35 USC § 103(a) as being unpatentable over Lioux in view of Brown (US Patent No. 5,854,904), hereinafter Brown.

Applicant respectfully disagrees with the examiner's analysis, and hereby requests reconsideration based on reasons set forth below. Applicant has taken this opportunity to amend some of the claims for potential formality issues. The amendments are not made to overcome the cited references. No new matter has been introduced by the amendments.

### **Claims Rejections under 35 USC § 102**

Claim 1, among other things, recites

powering the apparatus from a backup power source, in response to the apparatus being in an AC absence condition;

initiating a suspend to memory process to place the apparatus in a suspended to memory state, wherein no further activities occurs while the apparatus is in the suspended to memory state including suspension of all data transmissions; and

after further drawing on the backup power source for a period of time while the apparatus is in the suspended-to-memory state, automatically shutting off the backup power source.

Thus, in accordance with the plain meaning of the language as understood by those of ordinary skill in the art, claim 1 requires

- placement of an apparatus into a suspended-to-memory state, after switching to powering the apparatus with backup power, in response to an absence of AC condition, and

- shutting off the apparatus after the apparatus is in the suspended-to-memory for a period of time.

In contrast, Lioux teaches of the operating system (OS) to perform a safe shut down of the system (column 6, lines 10-14) in response to an AC absence condition. If the system is in a suspended-to-memory state (as opposed to an active state), the system is to be awoken, so it can be shut down (column 6, lines 14-19). And the backup power is to be shut off after the safe shutdown (column 6, lines 21-22).

It is well settled that section 102 rejections require the cited reference to teach each and every recitations of the claims at issue.

Since, Lioux teaches of going straight to a shut down in response to an AC absence condition, including waking the system to do so if the system is in a suspended-to-memory state, Lioux does not anticipate the required “placement of the apparatus into a suspended-to-memory state in response to an AC absence condition”. It follows then Lioux also fails to anticipate the required recitation of “shutting off the backup power after placing the apparatus into the suspended-to-memory for a period of time in response to an absence of AC condition”.

Since Lioux failed to anticipate at least one recitation of claim 1, claim 1 is patentable over Lioux.

Claims 15 and 30 include in substance similar recitations discussed above with respect to claim 1. Thus, for at least the same reasons, claims 15 and 30 are patentable over Lioux.

Claims 12 and 31 depend and add to claims 1 and 30 respectively; thus, for at least the same reasons claims 1 and 30 are patentable over Lioux, claims 12 and 31 are also patentable over Lioux.

### **Claims Rejections under 35 USC § 103**

Claims 2, 3, 7, 10, 11, 16, 17, 21, 26, 29, and 32 were rejected under 35 USC § 103(b) as being unpatentable over Lioux. Claims 2, 3, 7, 10, 11, 16, 17, 21, 26, 29, and 32 depend from either claim 1, 15 or 30, incorporating their recitations. Therefore, for at least the same reasons discussed earlier. Claims 2, 3, 7, 10, 11, 16, 17, 21, 26, 29, and 32 are patentable over Lioux.

Claims 4-6, 8, 9, 18-20, 22-25 and 33-38 were rejected under 35 USC § 103(a) as being unpatentable over Lioux in view of Wong (US Patent No. 6, 509,657), hereinafter Wong. Wong failed to cure the above discussed deficiencies of Lioux, thus claims 1, 15 and 30 remain patentable over Lioux even when combined with Wong.

Claims 4-6, 8, 9, 18-20 and 22-25 depend from either claim 1 or 15, incorporating their recitations. Therefore, for at least the same reasons discussed earlier. Claims 4-6, 8, 9, 18-20 and 22-25 are patentable over Lioux and Wong in combination.

Claim 33 also contains in substance the same recitations earlier discussed with respect to claim 1, therefore for at least the same reasons, claim 33 is patentable over Lioux and Wong combined.

Claims 34-38 depend from claim 33, incorporating its recitations. Therefore, for at least the same reasons discussed earlier, claims 34-38 are patentable over Lioux and Wong in combination.

**Conclusion**

In view of the foregoing, the applicant respectfully submits that claims 1-38 are in condition for allowance. Entry of the amendments and early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
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